

Ordinance No.:
Subdivision Regulation Amend. No.: 11-02
Concerning: Minor Subdivisions
Revised: 10/27/11; Draft No. 1
Introduced:
Public Hearing:
Adopted:
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Floreen

AN AMENDMENT to the Subdivision Regulations to:

- (1) authorize the approval and recordation of a plat for certain properties classified in a one-family residential zone under the minor subdivision procedure under certain circumstances; and
- (2) generally amend the provisions for the application of the minor subdivision process

By amending

Montgomery County Code
Chapter 50, Subdivision of Land
Section 50-35A, Minor Subdivisions –Approval
Procedure

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Section 50-35A is amended as follows:

Section 50-35A. Minor Subdivisions – Approval Procedure.

(a) *Preliminary Plan Not Required.* The submission of a preliminary subdivision plan, [in accordance with the provisions of] under Section 50-34 and Section 50-35, is not required for:

(1) Minor Lot Line Adjustment.

* * *

(2) Conversion of an Outlot into a Lot.

* * *

(3) Consolidation of Two or More Lots or a Part of a lot into One Lot.

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(4) Further Subdivision of a Commercial, Industrial or Multi-Family Residential Lot to Reflect a Change in Ownership, Deed, Mortgage or Lease Line.

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(5) Plat of Correction.

* * *

(6) Plats for Certain Residentially Zoned Parcels Created by Deed Before June 1, 1958.

* * *

(7) Plats for Existing Places of Worship, Private Schools, Country Clubs, Private Institutions and Similar Uses Located on Unplatted Parcels.

* * *

(8) Plats for Certain Residential Lots located in the Rural Density Transfer Zone.

* * *

(9) Parcels that satisfy Section 59-B-8.1 of Chapter 59 may be platted

under the minor subdivision procedure if:

* * *

(10) Combining a lot and adjoining property. Except in agricultural zones, the Planning Board may approve plats under the minor subdivision process to consolidate an existing platted lot and a partition of land created as a result of a deed, provided:

(A) in a one-family residential zone, the partition of land created by deed cannot itself be platted under the area and dimensional standards of the zone;

(B) any conditions applicable to the existing lot remain in full force and effect on the new lot;

(C) any required street dedication is provided; and

(D) the subject lot was not identified as an outlot on a plat.

(b) *Procedure for Platting a Minor Subdivision.* The owner of property that satisfies the requirements for a minor subdivision under Section 50-35A(a), above, may submit an application for record plat for approval under Section 50-36 and Section 50-37. In the case of minor subdivisions described in Sections 50-35A, (1), (3) and (4), if no additional development is proposed, then no additional public improvements may be required by the reviewing agencies beyond those required for the original subdivision.

(c) Minor subdivision approvals are not subject to the resubdivision criteria of Section 50-29(b)(2).

(d) Any lot created through the minor subdivision process and any lot replatted as part of a minor lot line adjustment must satisfy all applicable zoning requirements in Chapter 59.

(e) A minor lot line adjustment cannot be used to establish a precedent for a

resubdivision that may be filed for other properties located in the same
block, subdivision, or neighborhood.

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Sec. 2. Effective date. This ordinance takes effect 20 days after the date of
Council adoption.

Approved:

Isaiah Leggett, County Executive	Date
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This is a correct copy of Council action.

Linda M. Lauer, Clerk of the County Council	Date
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